

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

Ent 147045 Bk 209 Pg 612  
Date: 08-MAY-2008 1:19PM  
Fee: None  
Filed By: CB  
COLLEEN BRINKERHOFF, Recorder  
WAYNE COUNTY  
For: GOVERNOR OF STATE OF UTAH

**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Wayne County as it pertains to the highway located in Wayne County known as LYMAN WATER TANK ROAD; County Road Number: 57; State Geographic Information Database (SGID) Road Identification Number: RD280332. Total road length is 1.15 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 23<sup>rd</sup> day of APRIL, 2008.

By the Governor's Designee

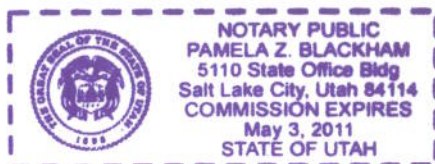
  
\_\_\_\_\_  
John Harja

### CERTIFICATION

State of Utah                    )  
                                      : ss  
County of Salt Lake         )

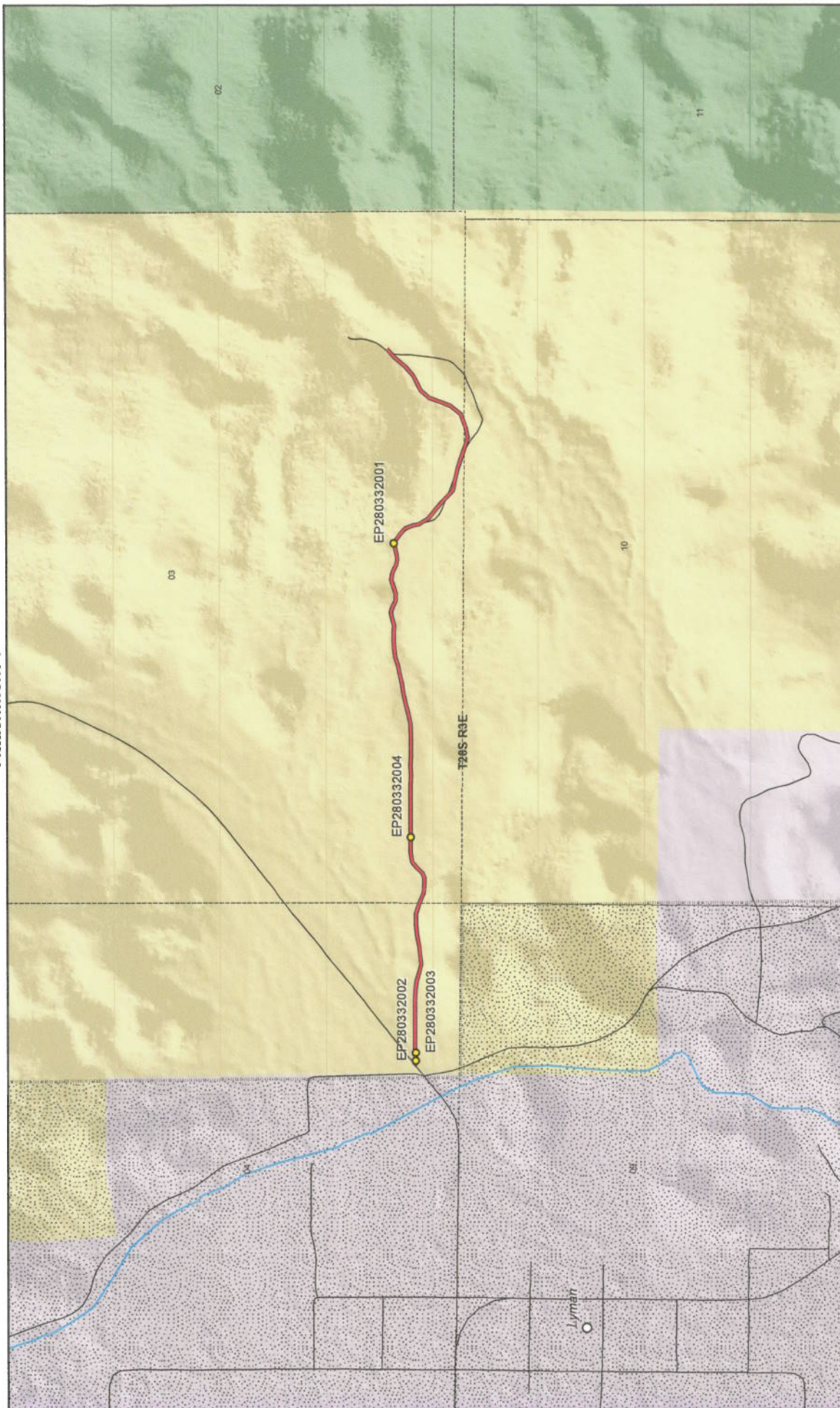
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 23<sup>rd</sup> day of April, 2008.



  
\_\_\_\_\_  
Notary Public





**LYMAN WATER TANK ROAD - Wayne County**  
**SGID RD\_ID RD280332**

**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park

**Transportation Network**

- LYMAN WATER TANK ROAD
- Other Roads
- Title V, Issued Or Under Consideration By BLM Or County
- Photo Event Point

Section = 1 Mile



1:12,247  
1 inch equals 0.2 miles

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Mar 21, 2008





**Attachment 2**



EP280332001



EP280332002



EP280332003



EP280332004

EP000000000

EP000000000

**LYMAN WATER TANK ROAD - Wayne County**  
**SGID RD\_ID RD280332**

Map prepared by the State of Utah  
 Automated Geographic Reference Center  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 March 19, 2008



### **Attachment 3**

#### **Beginning & Ending Points and Township, Range, and Section References For:**

**Popular Name: LYMAN WATER TANK ROAD**

**County: Wayne**

**County Road Number: 57**

**State Geographic Information Database (SGID) Road Identification Number: RD280332.**

**Total Road Length: 1.15 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 23 minutes 52.67 seconds North Latitude and -111 degrees 34 minutes 59.82 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,616,547.6 feet and Y = 10,472,930.7 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 23 minutes 55.03 seconds North Latitude and -111 degrees 33 minutes 51.14 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,622,015.0 feet and Y = 10,473,165.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 28 South Range 3 East, Section(s) 3,4,10, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

**Attachment 4**  
**Road Centerline Description Cover Page(s)**

**Popular Name: LYMAN WATER TANK ROAD**

**County: Wayne**

**County Road Number: 57**

**State Geographic Information Database (SGID) Road Identification Number: RD280332.**

**Total Road Length: 1.15 miles more or less.**

**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD_ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD280332</b>	<b>001</b>	<b>BLM</b>	<b>1.15 Miles</b>	<b>A</b>
		<b>Total Road Length</b>	<b>1.15</b>	<b>_____</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

## **Attachment 5**



**AFFIDAVIT OF PHILIP A. TAYLOR**

**LYMAN WATER TANK ROAD**

**WAYNE COUNTY, UTAH**

**ROAD NUMBER 57**

State of Utah                                 )  
  : ss.  
County of Wayne                            )

PHILIP A. TAYLOR, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Wayne County, Utah. I have lived in Wayne County for almost 70 years. I was employed by the Utah USDA APHIS Wildlife Services Program as a predatory animal hunter.

2. I have traveled and am familiar with a road in Wayne County known as Lyman Water Tank Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s, it followed the same route as in 2007 when I last observed it. Attached is a Wayne County map showing Lyman Water Tank Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.



5. Throughout the time period from the early 1960s to 2007, I have used the road myself for predatory animal control.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: water tank access, dump access and livestock operations.

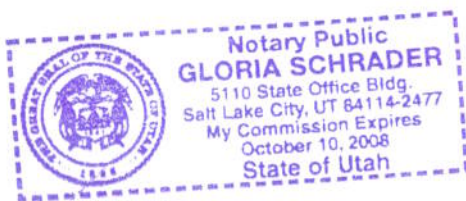
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed graders performing maintenance and construction activities on the road.

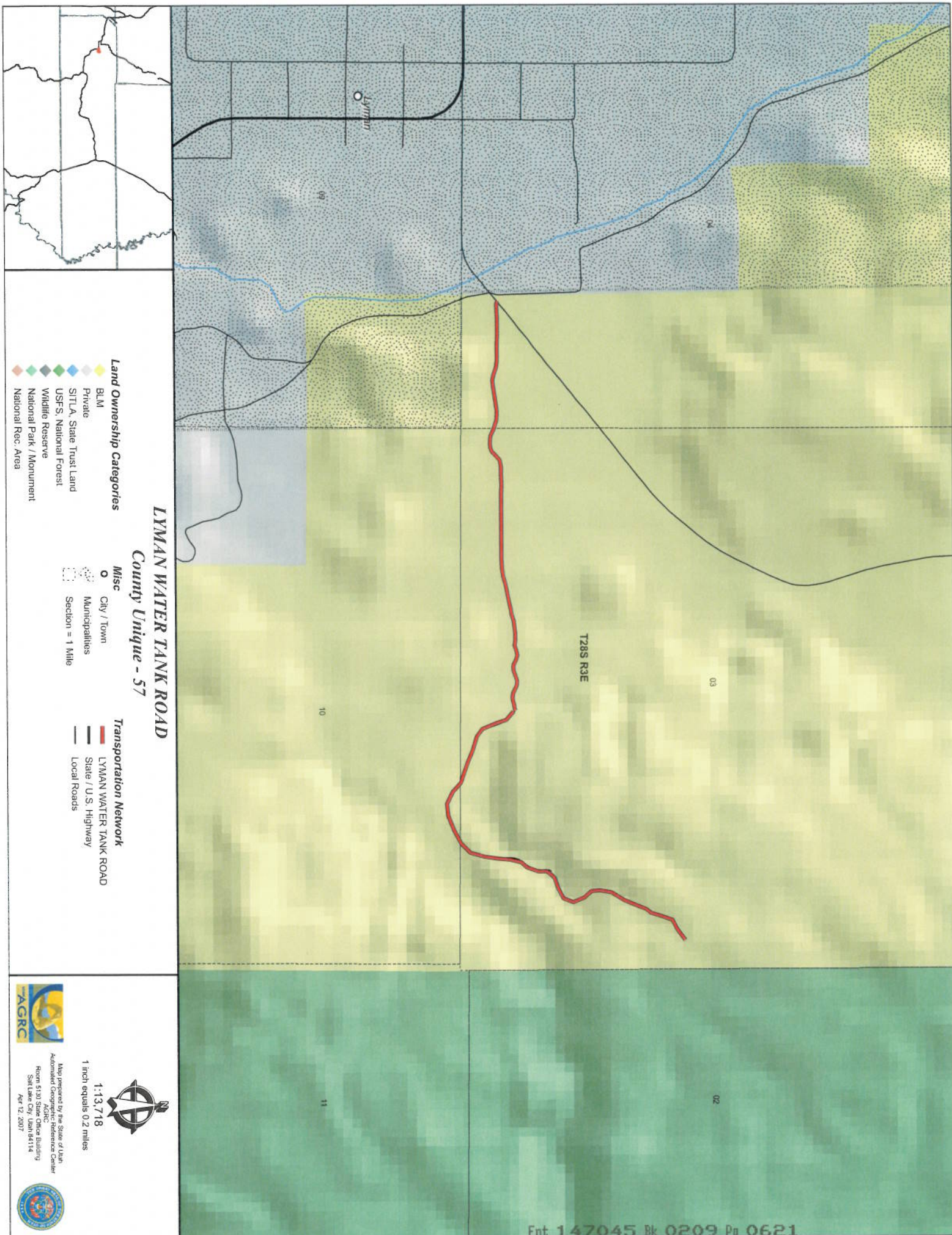
DATED this 18 day of April, 2007.

Philip A. Taylor  
PHILIP A. TAYLOR

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of April, 2007.



Gloria Schrader  
NOTARY PUBLIC



Entry # 147045 Book 209 Page 622 does not exist



5. Throughout the time period from the early 1960s to 2007, I have used the road myself for the following uses: county road maintenance.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: water tank access and dump access.

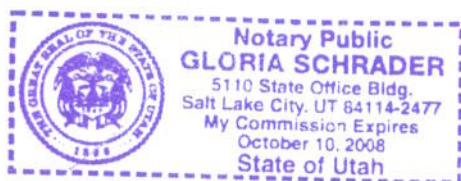
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1930s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally performed maintenance and construction activities on the road.

DATED this 18 day of April, 2007.

  
DENZEL TAYLOR

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of April, 2007.



  
NOTARY PUBLIC

**AFFIDAVIT OF DENZEL TAYLOR**  
**LYMAN WATER TANK ROAD**  
**WAYNE COUNTY, UTAH**  
**ROAD NUMBER 57**

State of Utah                     )  
  : ss.  
County of Wayne                )

DENZEL TAYLOR, being first duly sworn, deposes and states as follows:

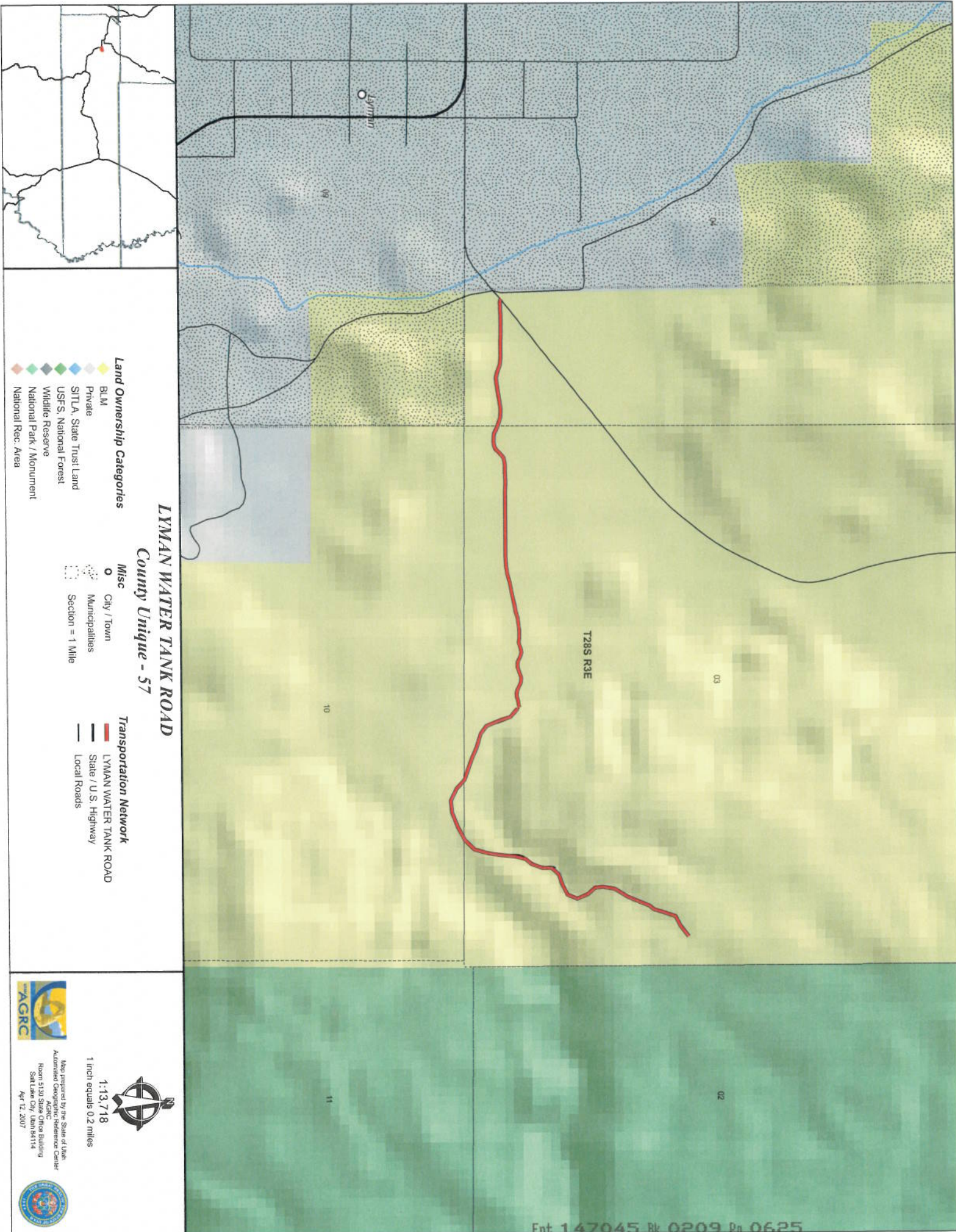
1.       I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Wayne County, Utah. I have lived in Wayne County for most of the past 87 years. I was employed by the Wayne County Road Department for approximately 20 years, from the early 1960s to the early 1980s.

2.       I have traveled and am familiar with a road in Wayne County known as Lyman Water Tank Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s, it followed the same route as in 2006 when I last observed it. Attached is a Wayne County map showing Lyman Water Tank Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3.       I am informed that the County also identifies this road according to the road number listed above.

4.       I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including trucks, cars, recreational vehicles, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used weekly.







## Appendix A to Attachment 4

**Popular Name: LYMAN WATER TANK ROAD**

**County: Wayne**

**County Road Number: 57**

**State Geographic Information Database (SGID) Road Identification Number: RD280332.**

**Road-Segment Number: 001**

**Road-Segment Length: 1.15 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 28 South Range 3 East, Section(s) 3,4,10, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (LYMAN WATER TANK ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 38 degrees 23 minutes 52.67 seconds North Latitude and -111 degrees 34 minutes 59.82 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,616,547.6 feet and Y = 10,472,930.7 feet; thence the following courses along the said road center line:

thence South 81 Degrees 00 Minutes 04 Seconds East	40.6 feet
thence North 86 Degrees 02 Minutes 51 Seconds East	36.2 feet
thence North 85 Degrees 02 Minutes 26 Seconds East	40.5 feet
thence North 87 Degrees 51 Minutes 52 Seconds East	51.6 feet
thence North 88 Degrees 21 Minutes 01 Seconds East	70.3 feet
thence South 89 Degrees 08 Minutes 14 Seconds East	80.1 feet
thence South 89 Degrees 11 Minutes 32 Seconds East	84 feet
thence North 89 Degrees 41 Minutes 19 Seconds East	85.3 feet
thence South 89 Degrees 09 Minutes 05 Seconds East	81.1 feet
thence South 83 Degrees 51 Minutes 26 Seconds East	73 feet
thence South 71 Degrees 57 Minutes 50 Seconds East	67.8 feet

thence South 74 Degrees 05 Minutes 09 Seconds East	64.6 feet
thence North 83 Degrees 01 Minutes 31 Seconds East	70.7 feet
thence North 80 Degrees 57 Minutes 41 Seconds East	75.7 feet
thence North 79 Degrees 02 Minutes 22 Seconds East	78.1 feet
thence North 82 Degrees 40 Minutes 32 Seconds East	83.3 feet
thence South 88 Degrees 06 Minutes 00 Seconds East	85.1 feet
thence South 71 Degrees 36 Minutes 11 Seconds East	85.2 feet
thence South 71 Degrees 35 Minutes 24 Seconds East	1.8 feet
thence South 67 Degrees 31 Minutes 14 Seconds East	84.7 feet
thence South 86 Degrees 19 Minutes 13 Seconds East	70.7 feet
thence North 85 Degrees 13 Minutes 17 Seconds East	42.1 feet
thence North 67 Degrees 37 Minutes 15 Seconds East	39.3 feet
thence North 44 Degrees 25 Minutes 46 Seconds East	51.3 feet
thence North 48 Degrees 48 Minutes 13 Seconds East	64.7 feet
thence North 81 Degrees 19 Minutes 50 Seconds East	70 feet
thence North 88 Degrees 45 Minutes 12 Seconds East	80.4 feet
thence North 88 Degrees 34 Minutes 27 Seconds East	84.4 feet
thence South 89 Degrees 12 Minutes 49 Seconds East	85.7 feet
thence North 89 Degrees 41 Minutes 19 Seconds East	86.6 feet
thence North 89 Degrees 41 Minutes 19 Seconds East	86.6 feet
thence South 89 Degrees 25 Minutes 22 Seconds East	84.7 feet
thence South 88 Degrees 54 Minutes 50 Seconds East	80.8 feet
thence North 88 Degrees 08 Minutes 51 Seconds East	73.2 feet
thence South 88 Degrees 48 Minutes 37 Seconds East	75.2 feet
thence North 89 Degrees 41 Minutes 19 Seconds East	80.7 feet
thence North 89 Degrees 41 Minutes 19 Seconds East	84.3 feet
thence North 86 Degrees 16 Minutes 07 Seconds East	82.5 feet
thence North 80 Degrees 06 Minutes 32 Seconds East	78.9 feet
thence North 73 Degrees 33 Minutes 21 Seconds East	82.7 feet
thence North 79 Degrees 26 Minutes 41 Seconds East	83 feet
thence North 79 Degrees 59 Minutes 18 Seconds East	77.9 feet
thence North 77 Degrees 38 Minutes 58 Seconds East	70.8 feet
thence North 79 Degrees 08 Minutes 34 Seconds East	62.8 feet
thence North 70 Degrees 53 Minutes 20 Seconds East	65.2 feet
thence North 82 Degrees 25 Minutes 32 Seconds East	67.5 feet
thence North 83 Degrees 49 Minutes 58 Seconds East	64.3 feet
thence South 88 Degrees 42 Minutes 07 Seconds East	58.4 feet
thence South 84 Degrees 57 Minutes 19 Seconds East	52.7 feet
thence North 74 Degrees 03 Minutes 41 Seconds East	48.7 feet
thence North 76 Degrees 28 Minutes 11 Seconds East	50.2 feet
thence South 74 Degrees 41 Minutes 01 Seconds East	48.7 feet
thence South 63 Degrees 16 Minutes 26 Seconds East	53.4 feet
thence North 88 Degrees 19 Minutes 00 Seconds East	54.8 feet
thence North 69 Degrees 54 Minutes 59 Seconds East	53.4 feet
thence North 72 Degrees 53 Minutes 01 Seconds East	51.1 feet
thence South 83 Degrees 52 Minutes 35 Seconds East	43.9 feet
thence South 69 Degrees 59 Minutes 16 Seconds East	37.8 feet
thence South 65 Degrees 19 Minutes 15 Seconds East	42.7 feet
thence South 75 Degrees 34 Minutes 03 Seconds East	38.7 feet



thence North 82 Degrees 30 Minutes 16 Seconds East 39.4 feet  
 thence North 74 Degrees 49 Minutes 14 Seconds East 38.4 feet  
 thence North 78 Degrees 29 Minutes 16 Seconds East 33.8 feet  
 thence North 77 Degrees 45 Minutes 34 Seconds East 23.8 feet  
 thence South 54 Degrees 07 Minutes 19 Seconds East 78.7 feet  
 thence South 46 Degrees 51 Minutes 33 Seconds East 60.5 feet  
 thence South 21 Degrees 40 Minutes 52 Seconds East 57.1 feet  
 thence South 14 Degrees 55 Minutes 55 Seconds East 54.9 feet  
 thence South 29 Degrees 51 Minutes 01 Seconds East 79.7 feet  
 thence South 52 Degrees 18 Minutes 44 Seconds East 93.8 feet  
 thence South 48 Degrees 40 Minutes 39 Seconds East 83.5 feet  
 thence South 46 Degrees 59 Minutes 44 Seconds East 111.2 feet  
 thence South 79 Degrees 25 Minutes 33 Seconds East 61.2 feet  
 thence South 75 Degrees 59 Minutes 18 Seconds East 112.1 feet  
 thence South 72 Degrees 31 Minutes 38 Seconds East 128.6 feet  
 thence South 70 Degrees 10 Minutes 27 Seconds East 22 feet  
 thence South 70 Degrees 10 Minutes 28 Seconds East 51.8 feet  
 thence South 76 Degrees 16 Minutes 28 Seconds East 47.6 feet  
 thence North 77 Degrees 42 Minutes 44 Seconds East 78 feet  
 thence North 69 Degrees 16 Minutes 43 Seconds East 33.7 feet  
 thence North 69 Degrees 16 Minutes 45 Seconds East 72.3 feet  
 thence North 38 Degrees 08 Minutes 33 Seconds East 100.3 feet  
 thence North 22 Degrees 53 Minutes 15 Seconds East 88 feet  
 thence North 18 Degrees 36 Minutes 49 Seconds East 85.5 feet  
 thence North 39 Degrees 40 Minutes 32 Seconds East 93.5 feet  
 thence North 63 Degrees 07 Minutes 25 Seconds East 118.9 feet  
 thence North 51 Degrees 14 Minutes 06 Seconds East 100.3 feet  
 thence North 37 Degrees 26 Minutes 07 Seconds East 90.6 feet

thence North 48 Degrees 30 Minutes 11 Seconds East 98.3 feet more or less to **the ending point at:** 38 degrees 23 minutes 55.03 seconds North Latitude and -111 degrees 33 minutes 51.14 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,622,015.0 feet and Y = 10,473,165.2 feet.